

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

-vs-

FABIAN VAKSMAN,

Defendant.

NO. CR-11-0074-WFN-1

ORDER GRANTING DEFENDANT'S  
MOTION TO EXPEDITE AND  
DENYING DEFENDANT'S MOTION  
FOR RECONSIDERATION

Pending before the Court is Defendant's Motion for Reconsideration (ECF No. 64), which was expedited (ECF No. 67). The Court grants the Motion to Expedite and concludes that oral argument is not warranted for the Motion for Reconsideration. L.R. 7.1(h)(3)(iv). 18 U.S.C. § 401 states that, "[a] court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority, and none other, as— (3) Disobedience or resistance to its lawful . . . order . . . ." In his Motion, Defendant attempts to differentiate this case from *United States v. Mathews*, 833 F.2d 161 (9th Cir. 1987). However, in Defendant's Plea Agreement, Defendant admitted to the factual allegations that form the predicate for federal jurisdiction: Namely, that Defendant "knowingly and willfully failed to surrender for service of sentence, pursuant to Judge Quackenbush's lawful order of March 17, 2010" (ECF No. 25 at 5). Therefore, Defendant's Motion for Reconsideration fails. Accordingly,

**IT IS ORDERED** that:

1. Defendant's Motion for Reconsideration, filed September 19, 2011, **ECF No. 64**, is **DENIED**.

**DATED** this 22nd day of September, 2011.

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